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DATE: March 25, 2009

PTO IDENTIFIER: Application Number 10/815,384  
Patent Number

Inventor: Filaz Babaev

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FROM: ROPES & GRAY LLP  
Melissa S. Rones, J.D., Ph.D.

PHONE: (617) 951-7653

Attorney Dkt. #: 103514-0011-103

PAGES (including Cover Sheet): 4

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002/004

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PTO/GB-87 (09-04)

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Application No. (if known): 10/815,384

Attorney Docket No.: 103514-0011-103

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003/004

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<b>FEE TRANSMITTAL</b> <b>For FY 2009</b>		Application Number	10/215,384
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	April 1, 2004
		First Named Inventor	Eita/ Babaev
		Examiner Name	J. Cheng
		Art Unit	3768
TOTAL AMOUNT OF PAYMENT (\$)		Attorney Docket No. 103514-0011-103	

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<b>FEE CALCULATION</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
<b>Application Type</b>	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>		
	<b>Small Entity</b>	<b>Fee (\$)</b>	<b>Small Entity</b>	<b>Fee (\$)</b>	<b>Small Entity</b>	<b>Fee (\$)</b>	<b>Fees Paid (\$)</b>
Utility	330	165	340	270	220	110	
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	340	270	650	325	
Provisional	220	110	0	0	0	0	
<b>2. EXCESS CLAIM FEES</b>							
<b>Fee Description</b>							
Each claim over 20 (including Reissues)							
Each independent claim over 3 (including Reissues)							
Multiple dependent claims							
<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>			
+ or HP = <input checked="" type="checkbox"/>				<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>		
HP = highest number of total claims paid for, if greater than 20.							
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>				
+ or HP = <input checked="" type="checkbox"/>							
HP = highest number of independent claims paid for, if greater than 3.							
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If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 11(a)(1)(G) and 37 CFR 1.16(s).							
<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>		<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>		
+ 100 = <input type="checkbox"/> 150 = <input checked="" type="checkbox"/> (round up to a whole number) x <input type="checkbox"/>				= <input type="checkbox"/>			
<b>4. OTHER FEE(S)</b>							
Non-English Specification: \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge): <b>2814 Statutory Disclaimer</b> <input type="checkbox"/> 70.00							

<b>SUBMITTED BY</b>					
Signature			Registration No. (Attorney/Agent)	54,408	Telephone (617) 951-7653
Name (Print/Type)	Melissa S. Ronca, J.D., Ph.D.		Date	March 25, 2009	

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PTO/SB/06 (02-09)

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<b>TERMINAL DISCLAIMER TO OBLVIAE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT</b>		Docket Number (Optional) 103514-0011-103
<p>In re Application of: Babaev</p> <p>Application No.: 10/815,384</p> <p>Filed: April 1, 2004</p> <p>For: Ultrasonic Method and Device for Wound Treatment</p> <p>The owner*, <u>Collation, Inc.</u>, of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. <u>6,601,581</u> as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:</p> <ul style="list-style-type: none"> <li>expires for failure to pay a maintenance fee;</li> <li>is held unenforceable;</li> <li>is found invalid by a court of competent jurisdiction;</li> <li>is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;</li> <li>has all claims canceled by a reexamination certificate;</li> <li>is reissued; or</li> <li>is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</li> </ul> <p>Check either box 1 or 2 below, if appropriate</p> <p>1. <input type="checkbox"/> For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record. Reg. No. <u>54,406</u></p> <p> Signature</p> <p>March 25, 2009 Date</p> <p>Melissa S. Ronos Typed or printed name</p> <p>617-951-7653 Telephone Number</p> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) included.</p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p> <p>*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/06 may be used for making this certification. See MPFF § 324.</p>		

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